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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,764	01/09/2004	Jesse J. Williams	71189-1575	1763
20915	7590	02/25/2005	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			BOYER, CHARLES I	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,764	Applicant(s) WILLIAMS	
	Examiner Charles I. Boyer	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 14, 18, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Young, US 5,837,665.

Young teaches a spot cleaner for carpets comprising 0.1% limonene, 2.4% anionic surfactant, builders, solvents, and water (col. 2, lines 35-44). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to an anti-soil and anti-stain component, the examiner maintains that lacking a definition or Markush group to describe what is meant by these components, just about any detergent ingredient could be considered to have anti-soil and anti-stain properties.

3. Claims 1-3 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Gonzalez, US 6,767,874.

Art Unit: 1751

Gonzalez teaches cleaning compositions comprising 7.5% d-limonene, 1.5% nonionic surfactant, germicide, solvent, and water (col. 12, example III). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

4. Claims 1-3 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Young, US 5,580,495.

Young teaches a liquid carpet shampoo comprising 0.007% limonene, 7.5% anionic surfactant, builders, solvents, and water (col. 3, lines 5-15). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 1-3 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Dellutri, US 4,620,937.

Dellutri teaches an all purpose cleaner comprising 75% citric oil which contains 80% d-limonene, 10% stearic and oleic acids, and 10% nonionic surfactant; and 25% water (col. 2, lines 55-60). Note that these compositions are extremely effective for cleaning carpets (col. 3, lines 7-10). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

6. Claims 1-3, 14, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones, US 4,533,487.

Art Unit: 1751

Jones teaches an all purpose cleaner comprising d-limonene, anionic surfactant, nonionic surfactant, buffer and water (col. 5, claim 1). Note that these compositions are used as spot cleaners for carpets (col. 4, line 21). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

7. Claims 1-6, 8, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Mellikyan et al, US 5,602,090.

Mellikyan et al teach an all purpose cleaner comprising 0.55% d-limonene, anionic surfactants, a blend of ethoxylated alcohol nonionic surfactants, hydrogen peroxide, acrylate copolymer and 92% water (col. 4, example 142). Note that these compositions are effective for cleaning carpets (col. 4, line 68). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

8. Claims 1-3 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Oldenhove, US 5,962,391.

Oldenhove teaches an all purpose cleaner comprising 11% d-limonene, cationic surfactant, nonionic surfactant, hydrogen peroxide, and 61% water (col. 14, example A). Note that these compositions are suitable for cleaning carpets (col. 8, line 15). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Art Unit: 1751

9. Claims 1-4, 14, 18, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Zocchi et al, US 5,942,482.

Zocchi et al teach a carpet cleaning composition comprising 0.2% terpene, anionic surfactant, sodium hydroxide, solvents, and the balance water (col. 14, example G). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mellikyan et al, US 5,602,090 in view of Billman, US 5,534,167.

Mellikyan et al teach an all purpose cleaner comprising 0.55% d-limonene, anionic surfactants, a blend of ethoxylated alcohol nonionic surfactants, hydrogen peroxide, acrylate copolymer and 92% water (col. 4, example 142). Mellikyan et al do not teach acrylate resins as an anti-stain component. Billman teaches carpet cleaning compositions containing, as essential ingredients, styrene/acrylic resins and copolymers to impart soil resistance to carpets (col. 8, lines 15-67). It would have been obvious to one of ordinary skill in the art to utilize a well known anti-soiling component in the carpet cleaning compositions of Mellikyan et al as such components are taught as preferred


Art Unit: 1751

ingredients in carpet cleaners, as taught by Billman. With respect to other well known carpet cleaning additives, such as pH adjusters and defoaming agents, the inclusion of these components is well known to those of ordinary skill. With respect to specific proportions, selection of the appropriate amounts would have been prima facie obvious because where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation, *In re Aller*, 220 F.2d 454, 105 USPQ 233, 235 (CCPA 1955).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles I Boyer
PRIMARY EXAMINER